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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,842	01/11/2002	Issam Raad	UTSC:669US	7921

7590 04/13/2007
Steven L Hlighlander
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Suite 2400
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EXAMINER

JASTRZAB, KRISANNE MARIE

ART UNIT	PAPER NUMBER
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1744

MAIL DATE	DELIVERY MODE
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04/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

10/044,842

Applicant(s)

RAAD ET AL.

Examiner

Krisanne Jastrzab

Art Unit

1744

All participants (applicant, applicant's representative, PTO personnel):

(1) Krisanne Jastrzab.

(3) Michael Samardzija, Assignee Rep.

(2) Monica De La Paz.

(4) _____.

Date of Interview: 03 April 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: proposed claims 69 and 74.

Identification of prior art discussed: Dangman, Harper, Houze and Kirk-Othmer.

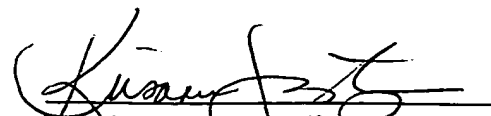
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Ms. De La Paz contacted the Examiner to discuss a proposed amendment that she faxed to the Examiner (see attached). Ms. De La Paz submitted that neither Dangman nor Harper would be applicable for a 102 rejection because the dyes recited in the two references were no longer present in the proposed independent claims, while the Examiner agreed that it appeared that 102 rejections would no longer be proper, she strongly maintained that 103 rejections with those references (such as Houze and Kirk-Othmer) teaching the functional equivalence between the proposed claimed dyes and the dyes of Dangman and Harper would be proper for the proposed claims. Ms. De La Paz asked if a declaration showing unexpected results for the claimed combinations would put the case in condition for allowance. The Examiner indicated that she could not make a patentability determination. Ms. De La Paz finally noted that the indigoid dye as taught in Harper had been deleted from proposed claim 74 and asked if that claim and those depending from it would be allowable. The Examiner responded that she could not answer at this time until she was able to further review the references. The Examiner further indicated that she could not rule out the possibility of a 103 rejection being proper for those claims as well.

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Date: Thursday, March 29, 2007 2:36:18 PM**No. of pages (including cover):** 05**Matter No.:** 10200174**TO**

Examiner Krisanne Jastrzab

USPTO

PHONE NO.**FACSIMILE NO.** 1 571-273-1279**FROM**

Monica A. De La Paz

PHONE NO. 512.536.5639

Should recipient confirm, by telephone, receipt of this facsimile transmission? No

COMMENTS:

CORRECTED VERSION RE: Serial No. 10/044,842

PLEASE DISREGARD PREVIOUS FAX SENT TO YOU TODAY.

Dear Examiner Jastrzab,

Per our phone call of earlier today, I am sending you a proposed set of claims for discussion during our teleconference next Tuesday, April 3, 2007 at 12:00 ET. I look forward to speaking with you.

Best Regards,
Monica De La Paz

CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

If you experience problems with this transmission or have questions, please call the sender.

USSN 10/044,842 (Client ref. MDA 00-052)(Attorney ref. UTSC:669US)

1-34. (Canceled)

35. (Previously Presented) An antiseptic compound comprising a basic reagent bound to a dye, wherein the basic reagent bound to a dye is gendine, genlenol, genlosan, or genfoctol.

36-68. (Canceled)

69. (Currently Amended) A method for disinfecting and/or sterilizing an inorganic surface comprising applying a composition prepared by a process comprising admixing a basic reagent and a dye to the surface, wherein the basic reagent is chlorhexidine, octenidine, clofoctol, chloroxylonol, or triclosan, wherein the dye is gentian violet, ethyl violet, brilliant green, D&C Red No. 17, D&C Green No. 6, or D&C Yellow No. 1, and wherein the inorganic surface is the surface of a floor, a table-top, a counter-top, hospital equipment, a wheel chair, gauze, cotton, silk, or a medical device.

70-73. (Canceled)

74. (Currently Amended) A method for disinfecting and/or sterilizing a fluid comprising adding a composition comprising a basic reagent and a dye into the fluid, wherein the basic reagent is chorhexidine, octenidine, clofoctol, chloroxylonol, or triclosan, and wherein the dye is gentian violet, ethyl violet, brilliant green, ~~indigo carmine~~, FD&C Yellow No. 5, FD&C Yellow No. 6, D&C Red No. 17, FD&C Blue No. 2, FD&C Red No. 3, D&C Green No. 6, or D&C Yellow No. 1.

75. (Original) The method of claim 74, wherein said fluid is water.

76. (Original) The method of claim 74 wherein said fluid is a metal working fluid.

77. (Original) The method of claim 74, wherein said fluid is petroleum.

78-90. (Canceled)

91. (Previously Presented) The method of claim 69, wherein the surface comprises a polymer.

92. (Previously Presented) The method of claim 91, wherein the polymer is polyvinyl chloride, polyurethane, polyethylene, silastic elastomers, polytetrafluoroethylene, dacron, collodion, carboethane or nylon.

93. (Previously Presented) The method of claim 69, wherein the surface comprises silicone.

94. (Previously Presented) The method of claim 69, wherein the surface is a silk suture.

95. (Previously Presented) The method of claim 69, wherein the dye is gentian violet.

96. (Previously Presented) The method of claim 95, wherein the basic reagent is chlorhexidine.

97. (Previously Presented) The method of claim 69, wherein the dye is brilliant green.

98. (Previously Presented) The method of claim 97, wherein the basic reagent is chlorhexidine.

99. (Previously Presented) The method of claim 74, wherein the dye is gentian violet.

100. (Previously Presented) The method of claim 99, wherein the basic reagent is chlorhexidine.

101. (Previously Presented) The method of claim 74, wherein the dye is brilliant green.

102. (Previously Presented) The method of claim 101, wherein the basic reagent is chlorhexidine.

103. (Currently Amended) A method for disinfecting and/or sterilizing an organic surface comprising applying a composition comprising a basic reagent and a dye to the surface, wherein the basic reagent is chlorhexidine, octenidine clofoctol, chloroxylenol, or triclosan, and wherein the dye is ethyl violet[[,]] or brilliant green, indigo carmine, FD&C Yellow No. 5, FD&C Yellow No. 6, D&C Red No. 17, FD&C Blue No. 2, FD&C Red No. 3, D&C Green No. 6, or D&C Yellow No. 1.

104. (Previously Presented) The method of claim 103, wherein the basic reagent is chlorhexidine.

105. (Previously Presented) The method of claim 103, wherein the basic reagent is clofoctol.

106. (Previously Presented) The method of claim 103, wherein the basic reagent is chloroxylenol.

107. (Previously Presented) The method of claim 103, wherein the basic reagent is triclosan.

108. (Previously Presented) The method of claim 103, wherein the dye is brilliant green.

109. (Currently Amended) A method for disinfecting and/or sterilizing a wound comprising applying a composition comprising gentian violet and a basic reagent to the wound, wherein the molar ratio of dye: basic reagent is 1:1 to 1:99 or the molar ratio of basic reagent to dye is 1:1 to 1:99.

110. (Previously Presented) The method of claim 109, wherein the basic reagent is chlorhexidine, octenidine, clofoctol, chloroxylenol, or triclosan.

111. (Previously Presented) The method of claim 110, wherein the basic reagent is chlorhexidine.

112-113. (Canceled)

114. (New) The method of claim 69, wherein the medical device is an endotracheal tube, a catheter, a nephrostomy tube, a biliary stent, an orthopedic device, a prosthetic valve, a medical implant, a blood exchanging device, a vascular access port, an extracorporeal circuit, a stent, an implantable prosthesis, a vascular graft, a pump, a cardiovascular suture, or a heart valve.

115. (New) The method of claim 114, wherein the medical device is a catheter.

116. (New) The method of claim 115, wherein the catheter is a cardiovascular catheter, a vascular catheter, a urinary catheter, a peritoneal catheter, an epidural catheter, a central nervous system catheter, a pulmonary artery catheter, a peripheral venous catheter, or an intraventricular shunt